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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,342	11/20/2000	Fred S. Cook	1470	8608

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 04/29/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,342

Applicant(s)

COOK, FRED S.

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-9, 11-13, 16-21, 23, 25-26, 28-29, 33-34, 36-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 3-9, 11-13, 16-21 and 23 are rejected under 35 U.S.C. 102(e) as being unpatentable by Sawada (6421544).

2. Regarding claim 11 Sawada teaches a method of altering operation of a device based on location, the device having a set of control logic that defines a first functional response to a first primitive, the method comprising in combination (figs. 1-5):

when the device is in a given location (inhibit area), the device receiving a control signal associated with the given location (col. 2, lines 12-20, col. 3, lines 45-67), wherein the control signal comprises a set of additional control logic (col. 2, lines 12-25, col. 7, lines 30-65, col. 14, col. 50-58); and

in response to the control signal (changing means), the device changing the set of control logic so as to embody the set of additional control logic (col. 2, lines 15-25, col. 12, lines 5-45), wherein changing the set of control logic comprises altering the first functional response to the first primitive (col. 2, lines 15-40, col. 13, lines 21-44, also see tables 22a-22c).

Regarding claim 23 Sawada teaches a method of altering operation of a device based on location, the device having a set of control logic that causes the device to employ a first predetermined primitive in carrying out a first function, the method comprising (figs. 1-5):

when the device is in a given location, the device receiving a control signal associated with the given location (col. 2, lines 12-20, col. 3, lines 45-67), wherein the control signal comprises a set of additional of control logic (col. 2, lines 12-25, col. 7, lines 30-65) and,

in response to the control signal, the device a performing function selected from the group consisting of (col.13, lines 20-45):

changing the set of control logic so as to embody the set of additional control logic so as to cause the device to employ a second predetermined primitive in carrying out the first function (col. 2, lines 15-25, col. 12, lines 5-45, col. 14, col. 50-58); and

changing the set of control logic so as to embody the set of additional control logic so as to cause the device to employ the first predetermined Primitive in carrying out Second function (col. 2, lines 15-40, col. 14, lines 49-59, col. 13, lines 21-44, also see tables 22a-22c).

Regarding claims 3,16 Sawada teaches wherein the first primitive comprises a predetermined signal structure received from a communications interface (col. 3, lines 45-67, col. 7, lines 30-65, col. 10, lines 1-2).

Regarding claims 4,17 Sawada teaches wherein the first functional response to the first primitive comprises presenting a first signal to a user, and wherein changing the

set of control logic comprises a function selected from the group consisting of (col. 3, lines 45-67, col. 7, lines 30-65): changing the set of control logic so as to disable the device from presenting the first signal to the user in response to the first functional primitive; and changing the set of control logic so as to cause the device to present a second signal to the user in response to the first primitive, instead of presenting the first signal to the user in response to the first primitive (col. 2, lines 15-40, col. 14, lines 49-59, col. 4, lines 9-21).

Regarding claims 5,18 Sawada teaches wherein the first signal comprises a signal selected from the group consisting of an audible signal and a visual signal (col. 2, line 66-col. 3, line 23).

Regarding claims 6 and 19 Sawada teaches wherein the predetermined signal structure represents a ring signal (col. 9, lines 50-60).

Regarding claims 7,8 and 20,21 Sawada teaches wherein the first functional response to the ring signal comprises emitting an audible alert signal, and wherein changing the set of control logic so as to alter the first functional response comprises programming the device to not emit the audible alert signal in response to the ring signal (col. 9, lines 50-67, col. 10, lines 23-50, col. 12, lines 20-28).

Regarding claim 9 Sawada teaches further comprising: detecting presence of the device in the given location; and responsively sending the control signal to the device in the given location (col. 3, lines 45-67, col. 7, lines 30-65).

Regarding claims 12,13 Sawada teaches further comprising undoing the alteration of the control logic after the device has exited the given location (col. 4, lines 10-22, col. 14, lines 33-47).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-26,28-29,33-34,36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (6421544) as and further in view of Grube et al (5778304).

Regarding claims 33-34 Sawada teaches a method of altering operation of a device based on location, the device having a set of control logic that defines a first functional response to a first primitive, the method comprising in combination (figs. 1-5):

when the device is in a given location, the device receiving a control signal associated with the given location, the control signal carrying additional control signal (col.3, lines 45-67);

in response to the control signal, changing the set of control logic to embody the additional control logic so as to alter the first functional of the first primitive (col. 2, lines 15-40, col. 14, lines 49-59, col. 13, lines 21-44, also see tables 22a-22c); and (col. 3, lines 45-67, col. 7, lines 30-65, col. 2, lines 15-40, col. 14, lines 49-59); after receiving the control signal but before performing the function (col. 5, lines 27-53), prompting a user of the device for change function of the device (col. 6, lines 1-17). Sawada teaches

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after receiving the control signal (col. 11, lines 60-62), the key input section 20 fig.2, has various keys including a outputs various operation signals corresponding to the key operations to the CPU 18 (col. 9, line 66-col. 10, line 2), and the CPU 18 detects the change destination mode by referring to the user-specified mode table, changes the mode of the terminal 1 (col. 13, lines 32-36). Sawada does not specifically teach receiving a user response indicating whether or not the user approves.

In an analogous art, Grube et al teaches receiving a user response indicating whether or not the user approves (col. 3, lines 30-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sawada by specifically adding features in order to enhance a user response indicating whether or not the user approves of the control logic to increasing the efficiency of the communication system as taught by Grube et al.

Regarding claims 36-37 Sawada teaches a system for adapting device functionality based on location, the system comprising (figs. 1-5):

a device having a receiver and a processor, the processor being programmed to execute a set of control logic so as to cause the device to carry out first function in response to a first primitive (col. 2, lines 15-40, col. 14, lines 49-59, col. 13, lines 21-44, also see tables 22a-22c), and the receiver being arranged to receive a control signal (col. 8, lines 35-50) associated with a given location, the control signal carrying additional control logic (col. 3, lines 45-67, col. 7, lines 30-65, col. 2, lines 15-40, col. 14, lines 49-59);

the processor being programmed to respond to the control signal by performing a function selected from the group consisting of (col.3, lines 45-67):

changing the set control logic to embody the additional control logic so as to cause the device to carry out a second function in response the first predetermined Primitive (col. 3, lines 45-67, col. 7, lines 30-65, col. 2, lines 15-40, col. 14, lines 49-59); and

changing the set control logic to embody the additional control logic so as to cause the device to carry out the first function in response to a second primitive (col. 3, lines 45-67, col. 7, lines 30-65, col. 2, lines 15-40, col. 14, lines 49-59); wherein the processor is further programmed to prompt a user of the device for changing the control logic (col. 5, lines 27-48, col. 6, lines 1-17). Sawada teaches after receiving the control signal (col. 11, lines 60-62), the key input section 20 fig.2, has various keys including a outputs various operation signals corresponding to the key operations to the CPU 18 (col. 9, line 66-col. 10, line 2), and the CPU 18 detects the change destination mode by referring to the user-specified mode table (figs. 3a-c), changes the mode of the terminal 1 (col. 13, lines 32-36). Sawada does not specifically teach user of the device for approval of changing after the device receives the control signal.

In an analogous art, Grube et al teaches user of the device for approval of changing after the device receives the control signal (col. 3, lines 30-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sawada by specifically adding features in order to

enhance a user response indicating whether or not the user approves of the control logic to increasing the efficiency of the communication system as taught by Grube et al.

Regarding claims 25,26, 28-29 Sawada teaches a local transmitter emitting the control signal in the given location (col. 3, lines 45-67, col. 7, lines 30-65, col. 2, lines 15-40, col. 14, lines 49-59).

Response to Arguments

5. Applicant's arguments filed 3-9-04 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applications argument but firmly believes the cited references to reasonably and properly meets the claim limitation. In regard to applicant's was that Sawada does not teach the additional control signal. In response, examiner would like to point out that Sawada teach the base station (5) is installed in the gate (4) of specific usage prohibition area (3). The mode-switching signal is transmitted to the portable telephone (1) carried by the user (2) who enters the usage prohibition area. CPU of the portable telephone (1) changes the operating mode from standby mode/call reception mode to sleep mode, when mode-switching signal is received. A warning message is displayed and warning ring is provided during call reception and call reception/transmission is stopped in the usage prohibition area, in sleep mode. When mode-switching signal is received in sleep mode in portable telephone, the operating mode is reset to standby mode, when user came out of usage prohibition area (col. 2, lines 15-40, col. 13, lines 21-44, also see tables 22a-22c). Also modified vs. additional (see 6438385): changing logic additional circuitry that a same as modified circuitry and Sawada teach (col. 2, lines 15-40, col. 13, lines 21-44, also see

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tables 22a-22c). Sawada teaches so many places the claim limitation. For example Sawada teaches when PHS terminal received control signal from the base station 5 the CPU 18 refers to the various operation mode (CPU can changing, selecting switching operation mode based on the location) (tables 22a-22b) stored in the RAM. In the present mode table 22a, a flag data item "1" or "0" is stored for each of the aforementioned four modes. A flag data item "1" is the for the present operation mode and a flag data item "0" is the for the other operation modes. The PHS terminal may be designed to switch to the mode specified by the control signal, regardless of which mode the terminal is in when receiving the control signal from the doorway base station 5 (col. 14, lines 50-64). First control signal for changing the operation mode to the call inhibit mode may be provided at the entrance and a second base station that transmits a second control signal for changing the operation mode to the call enable mode may be provided at the entrance (col. 14, lines 39-44). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In response to applicant's argument nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KHAWAR IQBAL** whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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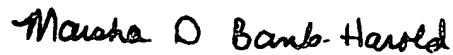
or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal



MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
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